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**REPORT ON MEETING WITH STAFF OF THE HOUSE COMMITTEE ON  
SCIENCE AND THE SUBCOMMITTEE ON SPACE AND AERONAUTICS**

**Docket No. FAA-2000-7953 - 22**

September 28, 2001, 10:30 A.M.  
Room 2325, Rayburn House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

The staff of the House Committee on Science and its subcommittee on space and aeronautics have been following the progress on resolving differences regarding the Notice of Proposed Rulemaking (NPRM) concerning the licensing and safety of commercial space launches. The staff members had earlier expressed concern over perceived differences over what parties to the process believed to be the status and approach to achieving an acceptable outcome and called for a meeting with representatives of the FAA Associate Administrator for Commercial Space Transportation (AST), the U.S. Air Force and the three principal commercial launch providers who had jointly commented on the NPRM.

Present for the convening congressional committee staff were Deputy Chief of Staff of the Committee on Science Scott Giles, Committee Chief Counsel Barry C. Beringer, space and aeronautics subcommittee Staff Director Eric R. Sterner, Professional Staff Member Ruben Van Mitchell, Minority Professional Staff Member Richard M. Obermann and Professional Staff Member Chris Shank.

Representing the FAA were Associate Administrator for Commercial Space Transportation Patricia Grace Smith, Deputy Associate Administrator for Commercial Space Transportation Joseph A. Hawkins, Special Assistant for External Affairs Charles T. Kline, Licensing and Safety Division Manager Ronald Gress and Senior Engineer Michael Dook.

Representing the Air Force were Lt. General Howard Mitchell, U.S. Space Command; Col. Louis Christensen, Space Command; Lt. Col. Blaise Cordell, Space Policy and Plans; Mr. Tim Clapp, HQ AFSPC.

Representing the U.S. Space Launch Industry were Shepherd Hill and Rosalie Roberts, Boeing; Gerald Mussara and Elaine David, Lockheed Martin; and, Mark Bitterman and Chris DeMars, Orbital Sciences.

Mr. Sterner welcomed the attendees and explained the session had been called because the staff, having met separately with representatives of the three interests present, felt that there was more disagreement and lack of understanding of one another's positions than some of the participants were aware of. He said the staff felt that it might be helpful to everyone's understanding if everybody got together and explained their positions and concerns.

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Ms. Smith of the FAA led off the discussion by explaining the background of the ongoing effort to achieve a final regulation that met everybody's needs. She said that after considering industry comments after the initial publication of the NPRM, AST decided to address the concerns and clear up misunderstandings by publishing a Supplemental Notice of Proposed Rulemaking (SNPRM) explaining the FAA's "take" on the industry comments and the direction the agency was going in addressing these concerns. She explained the process in which the industry and others would have 60 days to comment on the SNPRM, responding to the new information and providing further guidance for AST as it worked toward a final rule. She also commented on a number of FAA initiatives that had occurred since the NPRM comments were received and a number of opportunities to explain and clarify the proposed rule's intent involving the Commercial Space Transportation Advisory Committee consisting of industry members.

Ms. Smith also explained the progress being made by AST and the Air Force as it worked toward common safety standards, a single set of requirements, to be laid out in both the AST rule and the Air Force's newly revised EWR-127-1 range safety document. She explained that the Air Force and FAA members of the Common Standards Working Group had agreed that the Air Force would delay publication of its document until the FAA final rule was ready for publication in 2003. General Mitchell confirmed this point and reaffirmed that the two sides were in agreement that there were no "showstoppers" in developing the common standards to which everybody was committed.

Each industry team made general statements about support for the process as outlined but reflecting continuing uncertainty about some aspects of the NPRM and the perceived effect of some of the changes originally proposed in that document.

During the meeting the Lockheed Martin representative, Mr. Gerald Musarra, indicated that the FAA has not given the industry a clear understanding of the process for obtaining an equivalent level of safety determination. Mr. Musarra expressed concern that the process of convincing the FAA that an alternative approach provides an equivalent level of safety to a published FAA launch safety requirement may prove unduly burdensome compared to the approach used at the federal ranges.

The FAA does not foresee an increase in the level of effort on the part of a launch operator to obtain an equivalent level of safety determination as compared to the process at a federal range. To make this point Mr. Dook/FAA stated that the FAA has reviewed the federal range process and a sampling of meets intent certifications granted by federal ranges in the past.

The FAA has determined that, for all intents and purposes, a range safety meets intent certification constitutes one form of the FAA's equivalent level of safety. Launch operators familiar with the process of obtaining a "meets intent certification" at a federal range can expect to expend no greater level of effort to obtain an equivalent level of safety determination from the FAA. This issue will be addressed in the FAA's Supplemental Notice of Proposed Rulemaking.

Chris DeMars of Orbital Sciences proposed that the rule only apply to non-federal launch sites and not to the federal ranges. Ms. Smith and General Mitchell both offered explanations as to why this would not be feasible. It would indeed create two separate standards, non-common safety standards, generating a much less efficient, more burdensome, approach to safety than ever was the intent of the rule; in addition it appears to contradict industry's desire to have only one set of requirements for launch.